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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,809	03/30/2005	Hiroyasu Onuki	44471/314245	6250
23370	7590	11/07/2005	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			SHAFFER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/529,809	ONUKE, HIROYASU	
	Examiner	Art Unit	(M)
	Ricky D. Shafer	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/30/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Mochizuki ('178).

Mochizuki discloses a mirror device for a vehicle comprising a hollow shaft (13) that is provided with a mirror base (11) fixed to a vehicle body, a housing (15) which houses a motor (19) for swinging a mirror unit (14) between a use position and a fold position and is turnably supported by the shaft penetrating the housing; and a cover (30) for covering the housing to thereby seal an inside of the housing, wherein the cover includes a cylindrical portion (36) which extends in the axial direction of the shaft and engages with the outer surface of the shaft when the shaft is inserted, and an end portion cover (35) which bends toward the shaft from a tip of the cylindrical portion and covers a penetration end surface of the shaft. Note figures 1 and 3 along with the associated description thereof.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sakata ('275).

Sakata discloses a mirror device for a vehicle comprising a hollow shaft (21) that is provided with a mirror base (1) fixed to a vehicle body, a housing (22) which houses a motor (M) for swinging a mirror unit (33) between a use position and a fold position and is turnably supported by the shaft penetrating the housing; and a cover (2) for covering the housing to

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thereby seal an inside of the housing, wherein the cover includes a cylindrical portion (CP) which extends in the axial direction of the shaft and engages with the outer surface of the shaft when the shaft is inserted, and an end portion cover (ENP) which bends toward the shaft from a tip of the cylindrical portion and covers a penetration end surface of the shaft. Note figures 3 and 7 along with the associated description thereof.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida ('270).

Yoshida discloses a mirror device for a vehicle comprising a hollow shaft (16) that is provided with a mirror base (14) fixed to a vehicle body, a housing (18) which houses a motor (68) for swinging a mirror unit (33) between a use position and a fold position and is turnably supported by the shaft penetrating the housing; and a cover (56) for covering the housing to thereby seal an inside of the housing, wherein the cover includes a cylindrical portion (100) which extends in the axial direction of the shaft and engages with the outer surface of the shaft when the shaft is inserted, and an end portion cover (108) which bends toward the shaft from a tip of the cylindrical portion and covers a penetration end surface of the shaft, wherein the tip of the cylindrical portion (the portion of the cylindrical portion between element 100 and 108, shown in Fig. 1) of the is inclined toward the shaft in a free state. Note figures 1 and 4 along with the associated description thereof.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki ('178) or Yoshida ('270).

Mochizuki and Yoshida each disclose all of the subject matter claimed, note the above explanation, except for an O-ring interposed between the cylindrical portion and the shaft.

It is well known to use O-rings in the same field of endeavor for the purpose of preventing dust/moisture from entering a mirror assembly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to interpose between the cylindrical portion and the shaft of Mochizuki or Yoshida the provisions of an O-ring, as is well known and commonly used and employed in the art, in order to prevent dust/moisture from entering the mirror device.

7. Claim 2 is objected to because of the following informalities:

In claim 2, line 1, the language "a tip" should be changed to read --the tip--.

Appropriate correction is required.

8. The disclosure is objected to because of the following informalities: On page 8, line 25 of the specification, the language "Fig. 7" should be changed to --Fig. 1--.

Appropriate correction is required.

9. The drawings are objected to because Fig. 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

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and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

10. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference numeral 21 disclosure on page 7 of the specification has not been properly illustrated/labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 4,696,555 to Enomoto, U.S. Patent 4,832,477 to Torii et al, U.S. Patent 4,919,526 to Umekawa et al and U.S. Patent 4,940,321 to Yoshida each teach it is known to use the provisions of an O-ring in order prevent dust/moisture from entering a mirror assembly.

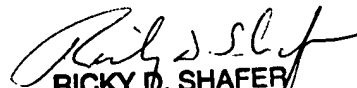
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

November 01, 2005


RICKY D. SHAFER
PATENT EXAMINER
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